

## REMARKS

Claims 1-4 were pending in the present application. Claims 1-4 have been cancelled without prejudice and new claims 5-18 have been added. Applicants submit herewith a "Version with Markings to Show Changes Made" in compliance with 37 C.F.R. § 121.

Support for the new claims can be found throughout the specification and claims as originally filed. No new matter has been added.

### ***Sequence Requirement***

In response to the Notice to Comply with Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, Applicants submit herewith a paper copy, pages 1-28, and computer readable copy (CRF) of a substitute Sequence Listing that comply with C.F.R. §§ 1.821-1.825 for the above-identified application. The substitute Sequence Listing is identical in substance to the Sequence Listing as filed in PCT/JP97/03239 at pages 64-116. Minor formalities (*e.g.*, Applicants name etc.) have been attended to.

### ***Election/Restriction***

The Office Action has required restriction to one of the following inventions under 35 U.S.C. §§121 and 372:

Group I, claims 1-4, as drawn to a protein of SEQ ID NO:1 and DNAs of SEQ ID NO:10 and 19.

Group II, claims 1-4, as drawn to a protein of SEQ ID NO:2 and DNAs of SEQ ID NO:11 and 20.

Group III, claims 1-4, as drawn to a protein of SEQ ID NO:27 and DNAs of SEQ ID NO:12 and 21.

Group IV, claims 1-4, as drawn to a protein of SEQ ID NO:4 and DNAs of SEQ ID NO:13 and 22.

(b) (5) attorney's fees

Group VI, claims 1-4, as drawn to a protein of SEQ ID NO:6 and DNAs of SEQ ID NO:15 and 24.

Group VII, claims 1-4, as drawn to a protein of SEQ ID NO:7 and DNAs of SEQ ID NO:16 and 25.

Group VIII, claims 1-4, as drawn to a protein of SEQ ID NO:8 and DNAs of SEQ ID NO:17 and 26.

Group IX, claims 1-4, as drawn to a protein of SEQ ID NO:9 and DNAs of SEQ ID NO:18 and 27.

Applicants hereby elect, without traverse, to prosecute the invention of **Group IX** which is directed to the polypeptide designated **HP10368** and its corresponding amino acid and nucleotide sequences, SEQ ID NOS:9, 18 and 27. Non-elected claims have been cancelled, and new claims 5-18, directed to the subject matter of Group IX, have been added. Applicants reserve the right to pursue the non-elected subject matter in one or more divisional applications, and reserve the right to traverse the restriction with respect to the non-elected subject matter.

### CONCLUSION

On the basis of the foregoing amendment and remarks, Applicants respectfully submit that the pending claims are in condition for allowance.

If a telephone conversation with Applicants' Attorney would expedite the prosecution of the above-identified application, the examiner is urged to call Applicants' Attorney at (617) 227-7400.

Respectfully submitted,

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